

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JAMES PLAS SAMS,

Plaintiff,

v.

RALPH DIAZ, et al.,

Defendants.

No. 2:20-CV-0568-JAM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is Plaintiff's motion, ECF No. 44, for sanctions and Defendants' opposition thereto, ECF No. 45.

In his motion, Plaintiff argues that the arguments raised in Defendants' original motion to dismiss, filed on February 8, 2021, warrant imposition of sanctions under Federal Rule of Civil Procedure 11. Plaintiff's motion is denied for two reasons. First, the Court does not find that the arguments raised in Defendants' original motion to dismiss are clearly frivolous, legally unreasonable, or brought for an improper purpose such that Rule 11 sanctions are appropriate. Second, Defendants' original motion to dismiss was superseded by an amended motion to dismiss, ECF No. 47, which was filed after Plaintiff filed the instant motion for sanctions. Plaintiff has responded substantively to Defendants' amended motion to dismiss, which will be addressed by separate findings and recommendations.

1 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for sanctions,
2 ECF No. 44, is denied.

3
4 Dated: February 11, 2022

A handwritten signature in dark ink, appearing to read 'Dennis M. Cota', is written over a horizontal line.

DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE